

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 1:06cr112-4

CANDIDA VANHORN, a/k/a
"IVY,"

Defendant.

ORDER/OPINION

On the 4th day of April 2007, came the United States of America by Zelda Wesley, Assistant United States Attorney, and also came the defendant, Candida Van Horn, in person, and by her counsel, Scott Radman, for hearing on a Petition for Action on Conditions of Pretrial Release filed by Stacey M. Claxton, Defendant's Adult Pretrial Services Officer, on March 7, 2007.

On November 15, 2006, Defendant Candid VanHorn was released on conditions set by Order of this Court. On March 7, 2007, Defendant's Adult Pretrial Services Officer filed a Petition for Action on Conditions of Pretrial Release alleging Defendant had violated condition 7(p) of the Order. Ms. Claxton noted that a previous report of non-compliance had been submitted to the Court on December 19, 2006, advising that Defendant had tested positive for cocaine on December 13, 2006. Further, Ms. Claxton attempted to have Defendant come into the Pretrial Services Office, but Defendant failed to report as directed.

Prior to the taking of evidence, Defendant waived the hearing in writing regarding the alleged violation. From the colloquy between the Court and the defendant, the Court concludes Defendant's decision to waive hearing on the alleged violation was freely, knowingly, and

voluntarily made.

It is therefore **ORDERED** that, pursuant to the provisions of 18 U.S.C. §3148(a) , (b)(1)(B) and (2)(A) and (B), the release of Defendant Candida VanHorn on conditions is **REVOKED** and that:

1. Defendant be **REMANDED** to the custody of the United States Marshal pending further proceedings in this case;
2. Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant be afforded a reasonable opportunity for private consultation with defense counsel;
4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and
5. The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED: April 5, 2007

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE